

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUSTIN SAMUELS,

Plaintiff,

-v-

BARNARD COLLEGE,

Defendant.

CIVIL ACTION NO. 23 Civ. 6181 (PAE) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On January 12, 2024, Defendant Barnard College (“College”) filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) (the “Motion”) the Amended Complaint (ECF No. 9) of pro se Plaintiff Justin Samuels (“Mr. Samuels”), and served the Motion and supporting papers on Mr. Samuels. (ECF Nos. 24-25). Barnard attached to the Motion six exhibits, including documents outside the pleadings. (See ECF Nos. 24-1; 24-2). The Honorable Paul A. Engelmayer has referred the Motion to the undersigned for a Report and Recommendation. (ECF No. 27).

On review of the Motion, it does not appear that Barnard has complied with its obligation under Local Civil Rule 12.1, which requires that “[a] represented party moving to dismiss or for judgment on the pleadings against a party proceeding pro se, who refers in support of the motion to matters outside the pleadings as described in Fed. R. Civ. P. 12(b) or 12(c), shall serve and file the following notice with the full text of Fed. R. Civ. P. 56 attached at the time the motion is served.”

Accordingly, by **January 19, 2024**, Barnard shall serve on Mr. Samuels the required notice under Local Civil Rule 12.1, and file proof of service on the docket.

Dated: New York, New York
January 16, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge